

## REMARKS

In an Office Action dated February 17, 2005, Claims 1, 3-5, 7-8, 10, 12, and 18 were rejected under 35 U.S.C. §112. In addition, Claims 1-3, 6-12, 14-15, 18, and 20 were rejected under 35 U.S.C. §102 as being anticipated by Maroszek (U.S. Patent No. 5,052,552) and Claims 1-3, 6-12, 14-18, and 20 were rejected under 35 U.S.C. §103 as being unpatentable over Maroszek (U.S. Patent No. 5,052,552). The Examiner also indicated a previous election of species I, Claims 1-20. Applicant hereby respectfully traverses the rejections.

## RESTRICTION REQUIREMENT

In the Office Action, the Examiner indicated a provisional election was made without traverse to prosecute the invention of species I, Claims 1-20. Applicant hereby confirms that election.

## REJECTION OF CLAIMS 1, 3-5, 7-8, 10, 12, AND 18 UNDER 35 U.S.C. §112

In the Office Action, the Examiner indicated that Claims 1, 3-5, 7-8, 10, 12, and 18 were inconsistent with previous terminology or lacked antecedent basis and therefore indefinite. Claims 1, 3-5, 7-8, 10, 12, and 18 have been amended to overcome this rejection. Applicant hereby submits that currently amended Claims 1, 3-5, 7-8, 10, 12, and 18 are now in condition for allowance.

## REJECTION OF CLAIMS 1-3, 6-12, 14-15, 18, AND 20 UNDER 35 U.S.C. §102

Claims 1-3, 6-12, 14-15, 18, and 20 stand rejected under 35 U.S.C. §102 as being anticipated by Maroszek (U.S. Patent 5,052,552). Maroszek discloses a carton structure erectable by folding from a substantially flat blank, including two side panels, a bottom panel, two top panels, a center divider panel and two end panels, each extending from the bottom panel.


25315

CUSTOMER NUMBER

- 7 -

RAIN-1-1005 ROA

BLACK LOWE & GRAHAM <sup>PLLC</sup>

  
701 Fifth Avenue, Suite 4800  
Seattle, Washington 98104  
206.381.3300 • F: 206.381.3301

Each end panel has slot means for engaging the center divider panel when the carton is erected.  
(Abstract.) Applicant hereby traverses the rejection.

Maroszek fails to disclose, teach, or fairly suggest a multi-use carrier wherein a second pivoting action engages a plurality of tabs with a plurality of slots to form a central chamber spanned by a handle and surrounded by a plurality of vessel apertures. Further, Maroszek fails to disclose a central chamber surrounded by plurality of sub-chambers, each sub-chamber housing or itself constituting at least one aperture designed for specific toting tasks (page 4, lines 11-12; See also Fig. 5). Maroszek also fails to provide a central chamber having surfaces to receive printed informational messages and images (page 17, lines 24-26).

Therefore, Applicant submits that Maroszek fails to teach or suggest a multi-use carrier as disclosed by the Applicant. Thus, Claims 1, 10, and 18 are allowable over the cited reference. Because Claims 2-3, 6-9, 11-12, 14-15, and 20 depend upon allowable independent Claims 1, 10, and 18, they are allowable for the same reasons that make their corresponding independent claims allowable.

#### **REJECTION OF CLAIMS 1-3, 6-12, 14-18, AND 20 UNDER 35 U.S.C. §103**

Claims 1-3, 6-12, 14-18, and 20 stand rejected under 35 U.S.C. §103 as being unpatentable over Maroszek with those differences not met exactly by Maroszek held to be inherent or within the realm of common knowledge in the art. Applicant hereby traverses the rejection.

Applicant submits that there is no motivation or teaching in Maroszek to provide for the central chamber feature of Applicant's disclosure. Further, for purposes of argument only, if Maroszek did disclose the central chamber unit, it would make the inventive aspect of Maroszek unsatisfactory for its intended purpose. Specifically, Maroszek discloses a central divider panel (Figs. 1-5) comprising an upper portion 40 and a lower portion 32 located between bottom panel 26 and top panels 28 and 30 (See also Figs. 3 and 4). The inside surface of first and second


25315

CUSTOMER NUMBER

- 8 -

RAIN-1-1005 ROA

BLACK LOWE & GRAHAM <sup>PLC</sup>

  
701 Fifth Avenue, Suite 4800  
Seattle, Washington 98104  
206.381.3300 • F: 206.381.3301

upper portions 36 and 40 are bonded together to form a single unit (column 2; lines 53-66). Maroszek leaves no room in its carrier to form a central chamber unit surrounded by a plurality of vessel apertures. Further, Maroszek does not disclose, teach or fairly suggest reason to provide for the central chamber in view of its central divider panel as illustrated by Figs. 1-5.

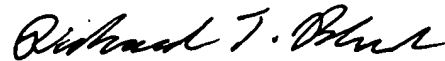
Therefore, Applicant submits that independent Claims 1, 10, and 18 are allowable over the cited reference. Because Claims 2-3, 6-9, 11-12, 14-17, and 20 depend upon allowable independent Claims 1, 10, and 18, they are allowable for the same reasons that make their corresponding independent claims allowable.

### CONCLUSION

Applicant respectfully submits that all of the claims are now in condition for allowance over the cited reference. Accordingly, Applicant requests withdrawal of the rejections, allowance and early passage through issuance. If Examiner has any questions regarding this application, the Examiner is invited to contact the Applicant's agent listed below.

Respectfully submitted,

BLACK LOWE & GRAHAM<sup>PLLC</sup>



Richard T. Black  
Registration No. 40,514  
Direct Dial: 206.381.3302

### MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

July 14, 2005  
Date of Deposit

Wendy Saxby  
Wendy Saxby

25315

CUSTOMER NUMBER

- 9 -

RAIN-1-1005 ROA

BLACK LOWE & GRAHAM<sup>PLLC</sup>

701 Fifth Avenue, Suite 4800  
Seattle, Washington 98104  
206.381.3300 • F: 206.381.3301